

February 21, 2001

Mr. Randy Bates  
DGC  
P.O. Box 110030  
Juneau, AK. 99811-0030

Dear Mr. Bates;

The Department has reviewed the draft 6 AAC 50 regulations and has the following comments.

**General Comments**

First, I would like to commend you and Kerry on the effort that has gone into the preparation of the draft regulations and the managing of the review process. Your efforts have resulted in a well-organized package that will eventually be beneficial to the program.

After participating in numerous review meetings and in discussions with State agency staff, I recently came to the realization that portions of the language contained in the draft regulations is subject to a variety of interpretations based on the experience and knowledge of the individual reading the regulations. One contributing factor appears to be the use of new terminology and new definitions that reviewers are not picking up on. One other factor, which I'm not sure can be addressed, is how a person will interpret how a portion of the regulations is written. At a recent meeting the idea of including a preamble to the regulations was discussed. If allowed under the regulation procedures, adding a preamble has the potential of being a beneficial addition to the package. A preamble can clarify the intent of the revised regulations, note what has been changed and added to the regulations, and emphasize the importance of understanding the terms used.

**Specific Comments**

**6 AAC 50.025 Scope of Project Subject to Consistency Review** – Subsection (b)(3) is difficult to understand. Revised language needs to be developed to make this section easier to understand.

**6 AAC 50.055 Coastal Resource District Responsibilities** – Subsection (b)(2) is difficult to understand and needs to be revised. One possible approach is to replace subsections (b)(1) and (2) as follows:

(b) A coastal resource district whose program is incorporated into the ACMP is considered to have expertise in the interpretation and application of its program.

A new subsection (c) needs to be added that reads:

(c) Alternative measures identified in the final consistency determination issued for a project under 6 AAC 50.265 may be included in local permits and approvals issued by a coastal district exercising Title 29 authority.

Thank you for the opportunity to comment.

Sincerely,

John Gliva  
Planner